

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION


UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:03-CR-653 (CEJ)
)	
RUBEN CORTEZ,)	
)	
Defendant.)	

ORDER

On April 3, 2007, the defendant filed a request to correct his sentence, pursuant to 28 U.S.C. § 2255. The Court will construe the request as a motion to vacate, set aside or correct sentence. The motion was filed in the criminal case, but because proceedings under § 2255 are civil, the motion should have been filed as a new civil action.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall remove the document titled "Defendant's Request to Correct Sentence Pursuant to 28 U.S.C. Sec. 2255" [Doc. #37] from the criminal file and shall re file the document as a motion to vacate initiated as a new civil action styled Ruben Cortez, Movant v. United States of America, Respondent.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2007.